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ORIGINAL

97TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
No. 97-930

COMPLETED

AMENDING TITLE 17 OF THE UNITED STATES CODE WITH RESPECT TO THE FEES OF THE COPYRIGHT OFFICE, AND FOR OTHER PURPOSES

OCTOBER 2 (legislative day, OCTOBER 1), 1982.—Ordered to be printed

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Mr. KASTENMEIER, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 4441]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4441) to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. Section 708 of chapter 7 of title 17 of the United States Code is amended—

(1) by striking out subparagraphs (1) and (2) of paragraph (a) in their entirety and inserting in lieu thereof the following:

"(1) on filing each application for registration of a copyright claim or a supplementary registration under section 408, including the issuance of a certificate of registration if registration is made, $10;

"(2) on filing each application for registration of a claim to renewal of a subsisting copyright in its first term under section 304(a), including the issuance of a certificate of registration if registration is made, $6;" and

(2) in paragraph (c), by striking out everything in the last sentence following the word "section" the first time it appears therein and inserting a period in lieu thereof.

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SEC. 2. This Act shall take effect thirty days after its enactment and shall apply to claims to original, supplementary, and renewal copyright received for registration in the Copyright Office on or after the effective date. Claims to original, supplementary, and renewal copyright received for registration in acceptable form in the Copyright Office before the effective date shall be governed by the provisions of section 708(a) (1) and (2) in effect prior to this enactment.

Sec. 3. That section 110 of title 17 of the United States Code is amended; (1) by adding at the end thereof the following new paragraph: "(10) notwithstanding paragraph 4 above, the following is not an infringement of copyright: performance of a nondramatic literary or musical work in the course of a social function which is organized and promoted by a nonprofit veterans' organization or a nonprofit fraternal organization to which the general public is not invited, but not including the invitees of the organizations, if the proceeds from the performance, after deducting the reasonable costs of producing the performance, are used exclusively for charitable purposes and not for financial gain. For purposes of this section the social functions of any college or university fraternity or sorority shall not be included unless the social function is held solely to raise funds for a specific charitable purpose."

Sec. 4. Title 35, United States Code, Section 3 is amended by adding the following new subsection:

"(d) The Commissioner of Patents and Trademarks shall be an Assistant Secretary of Commerce and shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce."

And the Senate agree to the same.

ROBERT W. KASTENMEIER,
JACK BROOKS,
PATRICIA SCHROEDER,
BARNEY FRANK,
TOM RAILSBACK,
M. CALDWELL BUTLER,
HAROLD S. SAWYER,
Managers on the Part of the House.

STROM THURMOND,
CHARLES MCC. MATHIAS,
PAUL LAXALT,
DENNIS DECONCINI,
EDWARD ZORINSKY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two houses on the amendment of the Senate to the bill (H.R. 4441) to amend section 110 of title 17 of the U.S. Code relating to copyright royalty payments, submit the following joint statements to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommend in the accompanying conference report:

The House recedes from its disagreement to the amendment of the Senate.

The purpose of the amendment to section 110 of title 17 U.S. Code is to provide an exemption for nonprofit veterans' and fraternal organizations from the requirement of paying certain performance royalty fees for musical works which are used for charitable fundraising.

It is the feeling of the conferees that the invitees for the organizations are not to be considered the general public, if they are the guests of members.

It is the intention of the conferees to provide an exemption to copyright act to college and university fraternities and sororities only for those specific events that are held to raise funds for a specific charitable purpose. Events held by these groups that are merely social in nature are not intended to be covered.

The House bill did not contain any provision relating to the title of Commissioner of Patents and Trademarks. The Senate amendment upgraded the present position of Commissioner of Patents and Trademarks to the Assistant Secretary of Commerce. The House receded from its disagreement to the amendment of the Senate and agreed to the same. It is the intent of the conferees to upgrade this office at this time because the Commissioner of Patents and Trademarks is the chief governmental spokesman for the delegation representing the United States at the third Session of the Diplomatic Conference on the Revision of the Paris Convention for the protection of industrial property which will take place in Geneva, Switzerland in October 1982. Industries and intellectual property involves billions of dollars in exports and thousands of U.S. jobs. This session is of critical importance to the United States and the representatives from our government to this conference should come from the highest levels of our government. This will provide the President and the Secretary of Commerce with an au-

thoritative advisor on a wide variety of intellectual property issues confronting the nation.

ROBERT W. KASTENMEIER,
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